

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

MONA DOBRICH, <u>et al.</u> ,	x	
	:	
	:	
Plaintiffs,	:	
	:	
v.	:	Civil Action No. 05-120-JJF
	:	
INDIAN RIVER SCHOOL DISTRICT, <u>et al.</u> ,	:	
	:	
Defendants.	:	
	X	

**UNOPPOSED MOTION TO EXTEND
DISCOVERY ON THE SCHOOL BOARD PRAYER ISSUE
AND TO STAY COMMENCEMENT OF DISCOVERY ON THE REMAINING ISSUES**

Plaintiffs move this Court for an order extending the deadline for completion of discovery related to the constitutionality of the Indian River School Board's Prayer Policy as written and as applied (the "School Board Prayer Issue") and all remaining issues (the "Remaining Issues").

1. On May 31, 2006, the Court issued a Scheduling Order for Discovery Pertaining to the Indian River School Board's Prayer Policy (D.I. 128). That order set a deadline for completion of discovery on the School Board Prayer Issue by June 22, 2006. In that same order, the Court required all dispositive motions to be served and filed with an opening brief on July 21, 2006.

2. On June 1, 2006, the Court issued a Scheduling Order for Issues Other than the Indian River School Board's Prayer Policy (D.I. 129). That order set discovery on the Remaining Issues to commence on June 26, 2006.

3. On June 8, 2006, the Court issued an order (D.I. 137) extending the deadline for completion of discovery on the School Board Prayer Issue until July 28, 2006.

4. On June 19, 2006, Plaintiffs and Defendants agreed to delay serving discovery requests related to discovery on the Remaining Issues until July 31, 2006.

5. On August 2, 2006, the Court issued an order (D.I. 166) extending the deadline for completion of discovery on the School Board Prayer Issue pending the resolution of various motions to compel (D.Is. 154, 156, 158, 160, 162 and 164). On September 14, 2006, the Court entered an order (D.I. 178) granting in part and denying in part those motions to compel. Pursuant to the August 2 Order, the Court's September 14 Order caused the deadline for completion of discovery on the School Board Prayer Issue to be set for October 30, 2006.

6. While Plaintiffs have deposed past and current School Board members or District Superintendents, Defendants have filed two motions for protective orders (D.Is. 182 and 193) to prevent the depositions of Janet Hearn, a District employee, and Patricia Oliphant and Robert Wilson, current School Board members. Further, Plaintiffs are preparing a motion to compel documents from Defendants.

7. Additionally, Defendants have noticed depositions for each Plaintiff in this matter which have not yet been taken.

8. Pursuant to Local Rule 7.1.1, counsel for Plaintiffs has reached an agreement with counsel for Defendants to extend the deadline for filing all motions to compel or motions for a protective order until November 3, 2006 (briefing on those motions shall be pursuant to the Court's May 31 Order). Further, the parties have agreed that the deadline for completion of discovery on the School Board Prayer Issue shall extend until fourteen (14) days after the resolution of all discovery motions on the School Board Prayer Issue. The parties have

also agreed to extend the deadline to file and serve all dispositive motions with an opening brief on the School Board Prayer Issue until forty-four (44) days after all discovery motions on the School Board Prayer Issue are resolved. Finally, counsel for Plaintiffs and counsel for Defendants have agreed to extend commencement of discovery on the Remaining Issues until January 15, 2007. The parties will submit a new Scheduling Order for all other deadlines for discovery on the Remaining Issues by December 8, 2006.

WHEREFORE, Plaintiffs respectfully request that this Court grant their unopposed motion to extend: (i) the deadline for filing all motions to compel or motions for a protective order until November 3, 2006; (ii) the completion of discovery on the School Board Prayer Issue until fourteen (14) days after resolution of all discovery motions on the School Board Prayer Issue; (iii) the deadline for Plaintiffs and Defendants to file and serve all dispositive motions with an opening brief on the School Board Prayer Issue until forty-four (44) days after the Motions to Compel are resolved; (iv) the commencement of discovery on the Remaining Issues until January 15, 2007; and (v) all other deadlines for discovery on the Remaining Issues pursuant to a new Scheduling Order, to be submitted by the parties by December 8, 2006.



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